

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ELVIRA MAY STANTON, et al.,

Plaintiffs,

v.

No. CIV 01-0380 BB/DJS
as consolidated with
No. CIV 01-0471 JP/LCS

**NORTH HILLS PROPERTY
OWNERS' ASSOCIATION, INC., et al.,**

Defendants.

MEMORANDUM OPINION AND ORDER
DENYING PLAINTIFFS' MOTION TO QUASH

THIS MATTER comes before the Court on Plaintiffs' "Motion to Quash (Strike Off) Notice and Removal of State District Court Cause No. D1329-CV 0000 717" (Doc. 23, as assigned in this case). The state complaint referred to in Plaintiffs' motion to quash, upon removal, was assigned to Chief Judge James A. Parker as Civ. No. 01-471 JP/LCS. Chief Judge Parker consolidated the case assigned to him with this case on November 29, 2001. See Memorandum Opinion and Order (Doc. 138, as assigned in this case). Before consolidating the two cases, Chief Judge Parker denied Plaintiffs' "Motion to Quash (Strike Off) Notice and Removal of State District Court Cause No. D1329-CV 0000 717" (Doc. 2, as assigned in Chief Judge Parker's case), which is a virtual facsimile of the motion now before this Court. See Memorandum Opinion and Order at 2 (Doc. 23, as assigned in Chief Judge Parker's case) (denying Plaintiffs' motion to quash on the ground that the complaint contains claims under the Americans with Disabilities Act and the Federal Fair Debt

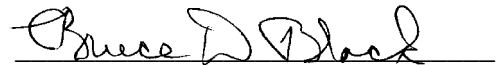
Collections Act and, as a consequence, removal was appropriate under 28 U.S.C. §§ 1331 and 1441(b)). Accordingly, this Court will deny Plaintiffs' motion to quash on the ground that it has already been adjudicated on the merits.

WHEREFORE,

IT IS ORDERED THAT:

1. Plaintiffs' "Motion to Quash (Strike Off) Notice and Removal of State District Court Cause No. D 1329-CV 0000 717" (Doc. 23, as assigned in this case), filed May 7, 2001, is **DENIED**.

DATED at Albuquerque this 27th day of August, 2002.



BRUCE D. BLACK
United States District Judge